

DRB Meeting Minutes
November 12, 2014 6:30 pm

Present: DRB members - Nick Comerci, Matt Kempton, Morris McCain; Zoning Administrator – Bob Hansen; Public – Cher Smith, Mike Bruton.

Main topic was discussion about the Peacham DRB procedure and that we are meeting intent of bylaws and state statutes especially with revised Peacham Zoning Bylaws to be introduced and adopted soon. We also need to meet the requirements of the new VT Open Meeting Law.

Cher Smith has served as zoning administrator for 10 years in Newbury VT and shared her knowledge and the procedures that their DRB has developed over the past few years in their attempts to refine the process. We reviewed the Town of Newbury basic application for all zoning reviews in preparation for revising Peacham's since ours still refers to ZBA. Some comments were as follows:

- Peacham form is confusing with Administrative Block at top of application – consider new format
- Fee schedule is outdated and does not cover administrative costs
- Having variance criteria on application instructions might be helpful
- Need a better “tracking” system to make sure process flows consistently
- Confusion about posting of “P” – it is not a permit to build, just a notification that application filed

Conclusion – Nick and Bob will work on revisions to application and proposed fee schedule to report to DRB, planning commission and Selectboard for adoption.

Other Discussion and Action Items:

Notifying abutters - not Town Clerk's role to do this – Can save money by doing a certificate of mailing instead of certified mail unless it is final decision in appeal case. Cher mentioned the PO has a booklet that you can use to track – Nick will look into this.

Scheduling regular monthly DRB meetings so that we have meeting dates if needed to let applicants know when they can expect to have their hearing. Application must be complete before moving it forward – all part of better tracking system.

Recording of Mylar for subdivision – this is state statute and is supposed to be stamped and signed by DRB when recorded. Within 180 days? Need to check statute and make sure this happens. Cher provided the wording that Newbury uses for their stamp.

DRB hearings are legal proceedings – need to swear in participants and review interested persons definition. Cher mentioned that it is appeal court's jurisdiction to determine interested person status if it does go to appeal. DRB should not make that determination in minutes only list those people who state they are interested persons based on definition. She provided a checklist that Newbury uses for hearings – it is a bit more thorough than the checklist in Peacham's procedure so will look to incorporate

those items. She also had copy of a recent Newbury DRB Findings and Decision report that will be used as a guide for future reports.

Open meeting laws need to be adhered to. Now with policy set by Town of Peacham for posting locations and web site, this should be easier. We also have Melissa Laurita Kohl working to keep this process consistent.

Hearing continuance – if DRB does not have all needed information to make decision can go into deliberative session but not close meeting and if needed reconvene either same night (and bring applicant and others back in for clarification) or another time to gather more info to make decision. Nick will research this with VT League of Cities and Towns to get more guidance on the best process to follow.

Minutes taking during hearings should be done by a non DRB person – Melissa may be able to fill this role for Peacham. No minutes or record of discussion is published for deliberative sessions.

DRB cannot deny an application based on not having the state permits in place – it is landowner's responsibility to abide by state laws and get necessary permits. Nick will check with VLCT if the DRB can make getting state approval for the necessary permits a condition of the DRB decision approval.

Survey – since it is a requirement of the Peacham bylaws that all subdivisions have a survey completed by licensed surveyor, we need to figure out a good way to have an accurate layout to review at hearing if landowner unwilling to go through expense of survey until they know if subdivision is approved. No DRB member can assist the landowner with determining any boundaries or points. Need to research this a bit more and develop guidelines. Mike Bruton would be willing to help with this process along with Bob and Nick. A sample packet of a good application would be helpful to have available. Bob thought Lyndonville might have some sample applications and he will check.

These were the major topics of the meeting. There was good discussion on improving the DRB application and review process that will be very helpful.

Meeting adjourned at 8:30 pm.

Submitted by Nick Comerci